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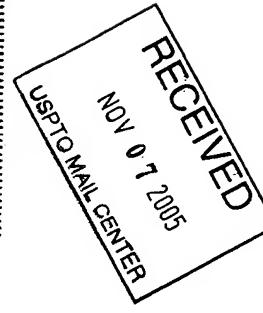
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,089	07/22/2003	Jay S. Walker	97-054-C2	8766
7590	10/24/2005		EXAMINER	
Dean P. Alderucci Five High Ridge Park Stamford, CT 06905			AGWUMEZIE, CHARLES C	
			ART UNIT	PAPER NUMBER
			3621	
			DATE MAILED: 10/24/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

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NOV 08 2005

Office Action Summary	Application No.	Applicant(s)
	10/625,089	WALKER ET AL.
	Examiner Charlie C. Agwumezie	Art Unit 3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 22 July 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 185-194 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 185-191 and 193 is/are rejected.

7) Claim(s) 192 and 194 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. ____ .
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) Notice of Informal Patent Application (PTO-152)
Paper No(s)/Mail Date 11/02/04, 03/22/04, 03/25/04, 07/22/02 6) Other: ____ .

DETAILED ACTION

1. Claims 185-194, are pending and has been examined.

Claim Objections

Claims 192 and 194, are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Furthermore, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function, *In re Danly*, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959). A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from the prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1647 (Bd Pat.App. & Inter. 1987). Applicant is required to cancel the claim(s); or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11

F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 185-191 and 193 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5, 10-12 of U.S. Patent No. **6,598,024**.

Although the conflicting claims are not identical, they are not patentably distinct from each other.

Claim 1 of the U.S. Patent No. 6,598,024 is obvious variant of claims 185 and 193 of the current application since the only difference is a mathematical variation of U.S. Patent 6,598,024. Round-up amount is mathematical equivalent of proportional to the round-up amount.

Claim 186 is verbatim copy of Patent claim 2; Claim 187 is a verbatim copy of Patent claim 3; Claim 188 is a verbatim copy of Patent claim 4; Claim 189 is a verbatim

copy of Patent claim 5; Claim 190 is obvious variant of Patent claim 11; Claim 191 is verbatim copy of Patent claim 12.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify claims 1-5 and 11-12 of the U.S. Patent No. 6,598,024 by adding and/or removing the limitations resulting generally in the claims of the present application since the present application and the claims recited in U.S. Patent No. 6,598,024 actually perform the same or similar function. It is well settled that the omission of an element and its function is an obvious expedient if the remaining elements perform the same function as before. *In re Karlson*, 136 USPQ 184 (CCPA 1963; *Also note Ex parte Rainu*, 168 USPQ 375 (Bd. App. 1969). Omission of a reference element whose function is not needed would be obvious to one of ordinary skill in the art.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles C. Agwumezie whose number is (571) 272-6838. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on **(571) 272 – 6712**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

Or faxed to:

(571) 273-8300. [Official communications; including After Final communications labeled "Box AF"].

(571) 273-8300. [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"].

Hand delivered responses should be brought to the Examiner in the Knox Building, 50 Dulany Street Alexandria VA.

acc
October 6, 2005

*James Trammell
Primary Examiner
3621*

Application/Control Number: 10/625,089
Art Unit: 3621

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 INFORMATION DISCLOSURE CITATION					Docket Number	Serial Number			
					97-054-C2	10/652,089			
					Applicants				
WALKER et al.					Group Art Unit				
July 22, 2003					Not Yet Assigned				
U.S. PATENT DOCUMENTS									
EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME		CLASS	SUB-CLASS	FILING DATE IF APPROPRIATE	
FOREIGN PATENT DOCUMENTS									
EXAMINER	REF	DOCUMENT NUMBER	DATE	COUNTRY		CLASS	SUB-CLASS	Translation	
								Yes	No
<i>An</i>	A	EP 0 512 413 A2	11/11/92	Europe					
<i>An</i>	B	EP 0 512 413 A3	11/11/92	Europe					
OTHER DOCUMENTS (Including author, Title, Date, Pertinent Pages, Etc.)									
		<i>Examiner's signature</i>							
EXAMINER	DATE CONSIDERED: <i>10/2/05</i>								
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.									



INFORMATION DISCLOSURE CITATION		Docket Number 97-054-C2	Serial Number 10/625,089
		Applicants WALKER et al.	
		Filing Date July 22, 2003	Group Art Unit Not Yet Assigned

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE IF APPROPRIATE
<i>Am</i>	A	5,398,932	03/21/95	Eberhardt et al.	273	138 A	
<i>Am</i>	B	5,417,424	05/23/95	Snowden et al.	273	138 A	
	C	5,687,322	11/11/97	Deaton et al.	395	214	
	D	5,772,510	06/30/98	Roberts	463	17	
	E	5,999,914	12/07/99	Blinn et al.	705	26	
	F	6,080,062	06/27/00	Olson	463	42	
	G	US 6,267,670 B1	07/31/01	Walker et al.	463	17	
<i>Am</i>	H	US 6,582,304 B2	06/24/03	Walker et al.	463	17	

FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	Translation	
							Yes	No
<i>Am</i>	I	JP 600251498	12/12/85	Japan			<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Am</i>	J	Hei 2[1990]-289000	11/28/90	Japan			<input checked="" type="checkbox"/>	<input type="checkbox"/>

OTHER DOCUMENTS (Including author, Title, Date, Pertinent Pages, Etc.)

<i>Am</i>	K	Herman, Ken, "Auchan Cashes in on Lottery", Houston Post, July 1, 1992, Section A, pg. 15, Col. 5.
EXAMINER	<i>Am</i>	
	DATE CONSIDERED: <i>10/4/05</i>	

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<i>AN</i>	A	JP57086974	05/31/82	Japan				
	B	EP 0 085 546	08/10/83	Europe				
	C	EP 0 109 189 A1	10/13/83	Europe				
	D	JP2171891	07/03/90	Japan				
	E	JP2197998	08/06/90	Japan				
	F	JP2278399	11/14/90	Japan				
	G	JP4095198	03/27/92	Japan				
	H	JP4260914	09/16/92	Japan				
	I	JP 5252363 A	09/21/93	Japan (Abstract)				
	J	JP8147545	06/07/96	Japan				
	K	WO 96/34358	10/31/96	PCT (Abstract)				
<i>AN</i>	L	WO 96/36926	11/21/96	PCT				

OTHER DOCUMENTS (Including author, Title, Date, Pertinent Pages, Etc.)

EXAMINER	<i>Cherie M. S. Lin</i>	DATE CONSIDERED:	<i>10/4/05</i>
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<i>An</i>	M	JP8329350	12/13/96	Japan				
<i>An</i>	N	WO 97/28510	08/07/97	PCT				
<i>An</i>	O	WO 97/35441	09/25/97	PCT				
<i>An</i>	P	JP10031792	02/03/98	Japan				
<i>An</i>	Q	JP 11-505343	05/18/99	Japan				

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<i>An</i>	R	Brochure, "Introducing the Digital MenuBoard", Siren Technologies, Inc., (www.sirentech.com).
<i>An</i>	S	Rehayem, Gilbert, "Opinion: X-Press Betting", Information Systems & Technology, Ontario Lottery Corp.
<i>An</i>	T	Brochure: "Reaching Out In New Directions", First Data Corporation, Merchant Services, undated.
<i>An</i>	U	"Cape Town", Reuters Ltd, November 8, 1979, PM Cycle.
<i>An</i>	V	"Save the mark", Financial Times (London), February 1, 1983, Section I, Men & Matters at Pg. 12.
<i>An</i>	W	Cook, Louise, "ConsumerWatch Clip, Snip, Save", The Associated Press, March 12, 1984, Business News Section.

EXAMINER

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	Filing Date July 22, 2003	Group Art Unit Not Yet Assigned

OTHER DOCUMENTS (Including author, Title, Date, Pertinent Pages, Etc.)

<i>✓</i>	X	"Major Appliances: Tappan unveils microwave oven feature preprogrammed controls.", HFD, September 10, 1984, pg. 103.
	Y	"POS spectrum: a lottery looks to POS for growth", UMI, Inc., POS News, January 1989, Vol. 5, No. 7, Pg. 8, ISSN: 0896-6230, CODEN: BHORAD.
	Z	Kuttner, Robert, "Computers May Turn The World Into One Big Commodities Pit", Business Week, September 11, 1989, Section: Economic Viewpoint, No. 3123 at Pg. 1.
	AA	Schrage, Michael, "An Experiment In Economic Theory; Labs Testing Real Markets", The Record, November 26, 1989, Section: Business at Pg. B01.
	BB	"Let's Play the Cash Register Receipts Lottery", The New York Times, December 25, 1990, Section 1, Pg. 30, Column 4, Editorial Desk.
	CC	Del Rosso, Laura, "Marketel says it plans to launch air fare 'auction' in June; Marketel International Inc.", Travel Weekly, April 29, 1991, Section: Vol. 50, No. 34, Pg. 1, ISSN: 0041-2082.
	DD	"Philips offers customers financing through Citicorp; Philips Medical Systems North America, Citicorp North America Inc." Health Industry Today, June 1991, Section: Vol. 54, No. 6, Pg. 4, ISSN: 0745-4678.
	EE	Pelline, Jeff, "Travelers Bidding On Airline Tickets SF firm offers chance for cut-rate fares" The San Francisco Chronicle, August 19, 1991, Sections: News at Pg. A4.
	FF	Del Rosso, Laura, "Ticket-bidding firm closes its doors; Marketel International; Brief Article", Travel Weekly, March 12, 1992, Section: Vol. 51, No. 21, Pg. 1, ISSN: 0041-2082.
	GG	"Coupons get serious; supermarkets use barcodes to prevent misredemptions", Chain Store Age Executive with Shopping Center Age, October 1992, Section: Vol. 68, No. 10, Pg. 68, ISSN: 0193-1199.
	HH	"Winn-Dixie/The Salvation Army Report Contributions For War Against Hunger", PR Newswire, June 10, 1993, Section: Financial News.
<i>✓</i>	II	Jones, Jeanne, "Data Readers Streamline Management; Scanner Technology Aids Retailers As Well As Plants, Wholesalers" The Houston Post, June 26, 1994, Section: Business at Pg. D1.

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<i>Am</i>	JJ	Fiorini, Phillip, "No Place For Penny?/Smallest coin doesn't make cents to some", USA Today, July 29, 1994, Section: News at Pg. 1A.
	KK	Smith, Alison, "Survey of UK Consumer Credit and Asset Finance", Financial Times, November 3, 1994, Section: Pg. VI.
	LL	Andreoli, Tom et al., "Cash Machines Offer A Whole Lotto Money For Withdrawl; An Unfortunate Juxtaposition; Block That Metaphor!; Something Street Talk; Fishy In Springfield; State Street Sears?; Champion As Underdog; A 'Whole Language' Graduate", Crain's Chicago Business, June 19, 1995, Section: News at Pg. 8.
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	NN	Greene, Jan, "Farm bills please assns; National Grocers Association", Supermarket News, Vol. 35, Load-Date: June 30, 1995.
	OO	Knippenberg, Jim, "Psst! Will local radio empires strike back?", The Cincinnati Enquirer, July 23, 1995, Section: Tempo at Pg. F01.
	PP	Silverman, Gene, "Planning and using infomercial campaigns effectively", Direct Marketing, September 1995, Vol. 58, No. 5, pg. 32(3).
	QQ	Brochure, "Cyber Bid", Net Fun Ltd., Copyright 1996.
	RR	McKinney, Jeff, "Merchant program could pay off for Provident", The Cincinnati Enquirer, March 24, 1996, Section: Financial, pg. E02.
	SS	Raab, David M., "Package Aids Catalog Management", DM News, April 22, 1996, Section: Software Review, pg. 14.
	TT	Hadley, Kimberly, "Pastors praying anti-arson effort will burn bias", The Nashville Banner, July 26, 1996, Section: News at Pg. A13.
<i>Am</i>	UU	Gapper, John, "NatWest reports rise in bad debt", Financial Times, July 31, 1996, Section: News: UK; at Pg. 09.
EXAMINER	<i>Am</i>	DATE CONSIDERED: <i>10/4/03</i>
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WW	Taylor, Paul, "Towards a dream market", Financial Times (London), September 4, 1996, Section: Survey - FT IT; at Pg. 03.
XX	"Bigger Plans (Provident Bank, issuer of MeritValue customer loyalty card, plans to offer program in 25 cities in six months)", Card Fax, October 7, 1996, Vol. 96, No. 178, pg. 2.
YY	Fickenscher, Lisa, "Amex to Start Free Rewards Program with Discounts on Merchandise", The American Banker, October 18, 1996, Section: Credit/Debit/ATMs, pg. 10.
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BBB	Quittner, Jeremy, "Ohio's Provident brings its discount card to Fla.", American Banker, February 11, 1997, Vol. 162, Issue 28, pg. 11, 1/3p., ISSN: 0002-7561.
CCC	Symons, Allene, "Lucky, Sav-on debut Rewards Card.", Drug Store News, February 17, 1997, Vol. 19, Issue 4, p3, 2p, 1c, ISSN: 0191-7587.
DDD	McKeveny, Alexander, "Giving them a good reason.", Bank Marketing, March 1997, Vol. 29, Issue 3, p37, 4p, 4c, ISSN: 0888-3149.
EEE	Singletary, Michelle, "Electronic World, Unchecked Problem? U.S. Move to Paperless Payments Raises Worries About Those Who Don't Use Banks", The Washington Post, March 4, 1997, Section: Financial at Pg. C01.
FFF	Fickenscher, Lisa, "Merchant: American Express Seeks to Mine Its Data on Cardholder Spending Patterns", The American Banker, March 24, 1997, Section: Credit/Debit/ATMs, pg. 20.
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OTHER DOCUMENTS (Including author, Title, Date, Pertinent Pages, Etc.)

A	GGG	"Dispensing the Future", Electronic Payments International, May 1997, Section: Feature, pg. 12.
A	HHH	"Avco Financial Services", National Home Furnishing Association, (http://www.homefurnish.comNHFA/avco.htm), download date: May 23, 1997.
	III	Website, "Catalina Marketing Corporation", (http://catalinamktg.com/prodcdir.htm), download date: May 29, 1997.
	JJJ	Riordan, Teresa, "Patents; A novel approach to making a better spermicide harks back to some old-fashioned methods", The New York Times, June 9, 1997, Section D, Pg. 2, Column 1, Business/Financial Desk.
	KKK	"Industry Briefs", Card News, June 9, 1997, Section: Vol. 12, No. 11.
	LLL	Nairn, Geoff, "The key to your identity: Falling costs will allow fingerprint verification to be widely used, reports Geoff Nairn", Financial Times (London), July 15, 1997, Section: Technology; at Pg. 12.
	MMM	"The United Computer Exchange, How It All Works", (http://www.uce.com/howitworks.html), download date: July 23, 1997.
	NNN	"Classified 2000: The Internet Classifieds", Classifieds2000, Inc., (http://www.classifieds2000.com/cgi-cls/Display.exe?C2K+aboutus), download date: August 6, 1997.
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	QQQ	Hoeschen, Brad, "Brookfield Square hopes mall card strikes a chord", Business Journal-Milwaukee, September 12, 1997, Section: Vol. 14, No. 50, pg. 19.
A	RRR	Website: "NCR 7452 Workstation -- Beyond Traditional POS", (http://www.ncr.com/product/retail/products/catalog/7452.shtml), download date: September 23, 1997.
EXAMINER <i>Chambers</i>		DATE CONSIDERED: <i>10/4/05</i>

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ELECTRONIC INFORMATION DISCLOSURE STATEMENT

Electronic Version v18
Stylesheet Version v18.0

Title of Invention	METHOD AND SYSTEM FOR PROCESSING SUPPLEMENTARY PRODUCT SALES AT A POINT-OF-SALE TERMINAL
<p>Application Number: 10/625089</p> <p>Confirmation Number: 8766</p> <p>First Named Applicant: Jay WALKER</p> <p>Attorney Docket Number: 97-054-C2</p> <p>Examiner: Not Yet Assigned</p> <p>Search string: <i>An</i> A vertical line connects the signature 'An' to the search string. (4441160 or 5353219 or 5857175 or 6024288 or 6292786 or 6321210 or 4876592 or 4902880 or 5025372 or 5256863 or 5297026 or 5305195 or 5371796 or 5539189 or 5564546 or 5619558 or 5621812 or 5638457 or 5642484 or 5642485 or 5644723 or 5649114 or 5652421 or 5655007 or 5664115 or 5665953 or 5724886 or 5832457 or 5845259 or 5890718 or 5946665 or 6014634 or 6064987 or 6138105 or 6223163 or 6298329 or 6298331 or 6112191 or 6119099 or 6070147 or 6088682 or Re34915 or 4108361 or 4323770 or 4494197 or 4500880 or 4669730 or 4677553 or 4689742 or 4723212 or 4760247 or 4815741 or 4825045 or 4839507 or 4854590 or 4859838 or 4882473 or 4908761 or 4910672 or 4922522 or 4937853 or 4973952 or 4982337 or 4993714 or 5056019 or 5119295 or 5128862 or 5132914 or 5172328 or 5173851 or 5177342 or 5192854 or 5201010 or 5216595 or 5223698 or 5231569 or 5239165 or 5243515 or 5245533 or 5262941 or 5274547 or 5283731 or 5287268 or 5297031 or 5302811 or 5309355 or 5353218 or 5353219 or 5380991 or 5420606 or 5459306 or 5481094 or 5504475 or 5510979 or 5572653 or 5581064 or 5592375 or 5592376 or 5602377 or 5611052 or 5612868 or 5615269 or 5620079 or 5621201 or 5621640 or 5632010 or 3573747 or 6307958).pn.</p>	

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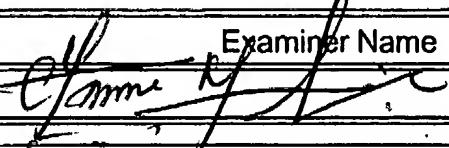
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Signature

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